# UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS VICTORIA DIVISION

THOMAS L. LEE; PAULA LEE,		<b>§</b>
		<b>§</b>
Plaintiffs,		§
		§
v.		S CIVIL ACTION 6:20-cv-00074
		§
U.S. BANK N.A., NOT IN	ITS	§
INDIVIDUAL CAPACITY,	BUT	§
SOLELY AS TRUSTEE OF	NRZ	§
PASS-THROUGH TRUST X,		§
		§
Defendant.		§

# DEFENDANT'S NOTICE OF NO RESPONSE TO MOTION TO DISMISS

#### TO THE HONORABLE JUDGE OF SAID COURT:

Defendant U.S. Bank N.A., not in its individual capacity, but solely as Trustee of NRZ Pass-Through Trust X ("U.S. Bank") respectfully notifies the court as follows:

## INTRODUCTION AND FACTS

On December 29, 2020, U.S. Bank filed their Motion to Dismiss ("Motion"). Plaintiffs' response to the Motion was due January 19, 2021. *See* S.D. Tex. L. R. 7.3. As of the date of this notice, Plaintiffs have not submitted a response to the Motion.

As no response has been filed, the Court may consider the Motion as unopposed. *See* S.D. Tex. L. R. 7.4 ("Failure to respond to a motion will be taken as a representation of no opposition.").

## CONCLUSION

Accordingly, U.S. Bank request that the Court grant the unopposed Motion to

Dismiss, and for all other and further relief to which they may be entitled.

Respectfully Submitted, McCarthy & Holthus, LLP

/s/ Brandon Hakari

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ATTORNEYS FOR DEFENDANT U.S. BANK N.A., NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE OF NRZ PASS-THROUGH TRUST X

#### CERTIFICATE OF SERVICE

I hereby certify that I submitted the foregoing to the clerk of the United States District Court, Southern District of Texas using the electronic case filing system of the Court, and that I served all counsel of record listed below in accordance with Federal Rule of Civil Procedure 5(b)(2) on January 22, 2021.

Thomas L. Lee 3801 Lone Tree Road A Victoria, Texas 77901 PLAINTIFF PRO SE Paula Lee 3801 Lone Tree Road A Victoria, Texas 77901 PLAINTIFF PRO SE

via CMRRR

via CMRRR

<u>/s/ Brandon Hakari</u> Brandon Hakari